

ANCESTORS ALL DRUNKEN OR MAD.

Witnesses Trace the Barberi
Blood Through Grew-
some Channels.

This One Maniacal, That One
Drink-Sodden, All Subject to
Paroxysms of Rage.

McIntyre Would Stop if People's Ex-
perts Declared Maria in an
Epileptic Passion.

HER MOTHER A SHREWD WITNESS.

Tells How the Daughter Fell in a Sense-
less Fury, Cutting Her Head—Scar
Shown to the Jury—Story
of the Killing.

They dug far back among the ancestors of
Maria Barberi yesterday, to show that the
transmitted taint of a congenital lunatic and
not the capacity or jealousy of a mere
criminal made the wretched Italian girl
draw the razor across Cataldo's ruthless
throat.

They had on the stand people who had
known the parents of Maria Barberi's
parents and the collateral branches whose
mental traits might furnish a clue to her
temperament, and finally they dug to the
drunkenness and viciousness and insanity,
may be, that were the girl's heritage. No
matter through what gutters they traced
the unclean blood, the testimony about it
was always the same. This ancestor was a
drunk-sodden madman; this uncle lived and
died a drunkard; this ancestor was epilep-
tic besides being intemperate; that aunt
was violent and given to maniacal outbursts.

Then the mother came down to her own
children, Maria among the rest. Seven of
her children are dead, nearly all of them
having shown the taint in the blood. Maria
had repeatedly given way to mad fits and
had with difficulty been restrained from
throwing herself through windows, had
beat her head against the walls and torn
her hair and shrieked and rolled on the
floor when there was no provocation for
temper, and had no recollection of her fits
afterward.

Mother's Wretched Story.
The mother herself is a blinking, sharp-
voiced, scrawny little woman. She is forty-
seven years old and looks sixty. Squaw
would describe her except for the unkind
significance of the word, but she does look
like a Digger Indian woman. She told of
the awful tide that runs in her veins,
with skill and cunning. She is supposed to
be an Italian peasant of the lower class,
but she described her mother's paralytic
strokes and epileptic fits in the most tell-
ing terms, as accurately as a trained nurse,
far more definitely than nine out of ten
women of four times her natural intelli-
gence and vocabulary could have done.

And the girl herself, in all high court-
like attention. Occasionally she clutched
the hand of the nervous, interested Tombs
Angel, who sat beside her, but the fight
her lawyers are making for her life is not
appreciated by Maria Barberi.

The old, crooked, sharp-featured and
bent, the daughter is fat and sleek. She is
dressed for the part, in a neat, dark, modest
suit, but the witness is not her own; her
heavy face is sullen and unformed, her
dumpy figure tells of bluntness. Whether
the generations of evildoing of which she
is the culmination stunted her intelligence
until she is not responsible for the killing
or her brutal lover is for the experts to de-
cide, but if Maria Barberi were a man,
with the emphasis of masculinity on those
course features, nothing could save him.

She has, however, as good a case of the
deedant prenat influence as ever came
before a court. If a healthy lineage
leaves an individual guiltless in the law's
eyes there is no question but that she is
safe; the record of her forebears is as bad
as any lawyer for the defense could ask.

A Neighbor's Story.
Rocco Rocchio was the first witness to
tell of the evil natures and excesses of
past Barberis. He was born in Fer-
rantina, Italy, where the Barberis came
from. In Italy he was a barber and phy-
sician's attendant. He knew the mother,
Philomena Barberi, and the father, Michael
Barberi, and the mother's parents, the
Bonzantis, and all of them.

"Did you know Antonio Bonzanti, Maria's
maternal grandfather?" asked Mr. House.
"Yes, he died insane," was the answer.
"That is exactly what they are trying to
get at. If they are trying to get at any-
thing. Perhaps that is why Assistant Dis-
trict Attorney McIntyre objected, and why
Judge Gildersleeve held that under the law
such testimony was inadmissible."

"The next series of questions would have
shown that the Bonzantis were generally
considered about half crazy in Ferrantina.
This testimony was also ruled out after a
long discussion.

"Did you know much of Mrs. Maria
Bonzanti, the grandmother?" asked House.
"I did. She was a drunkard."
Would Abandon the Case.
"Your Honor," said Mr. McIntyre, ear-
nestly, "I don't want these constant ques-
tions about drunkenness. I want specific
questions and answers regarding the ac-
tions of Maria Barberi's ancestors, and I
want the defense to show clearly, if they
can, that they were insane."

"Were you well acquainted with Filomena
Barberi, the mother of the defendant?"
"I was. I knew her well in Italy."
"Describe what you observed about her?"
"She was a weak, nervous woman, and
she suffered from hysterics."

"One day," continued the witness, "she
was watching a religious procession. She
fell down in a hysterical fit, and had con-
vulsions. I attended her and put a blad-
der full of snow to her head. The people
talked about her and one person said she
had the devil in her body."

McIntyre objected to the word "convul-
sions."
"If this witness said she had a fit would
you ask it stricken-out?" asked Judge
Gildersleeve.

"No, Your Honor; there are several kinds
of fits—drunken fits, for instance. But the
word convulsions is very important in this
case, and I object to it being on the
records."

The objection was sustained, and then
McIntyre asked that the word "hysterics"
be stricken out. This was also done.

Describing a Fit.
The witness went on to describe the fit.
"She had her eyes open," he said, "and
she shrieked and threw her limbs about,
and her mouth worked, and when she was
over her fit she lay in a dazed condition."

He also knew all about Antonio, Maria's
sister. She was subject to strange fits.
Once he saved her when she was running
off a roof, here in New York. She was
then sixteen years old. When the fit was
passed she had no recollection of it.

McIntyre's cross-examination was short.
"You said that one of the defendant's
uncles when he was drunk one day in Fer-
rantina, chewed the end of a glass?"
"Yes, sir."

"Can you give me the names of any per-
sons who were present?"
"Yes, sir."

Mr. McIntyre asked the witness how he
came to apply the bladder with snow to the
head of the mother of the defendant when
she got the attacks.

"It was the physician's order," he replied,
"that whenever Mrs. Barberi got an attack
a bladder containing snow should be ap-
plied to her head."

"The old, crooked, sharp-featured and
bent, the daughter is fat and sleek. She is
dressed for the part, in a neat, dark, modest
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can, that they were insane."

"Then they asked about Giovanni Barberi,
Maria's uncle."
"He also was queer," answered the bar-
ber. "One day he got fire to his own house.
Another time he tried to pull the cork out
of a bottle and as he could not, he broke
the neck of the bottle and chewed the
glass."

"One day he stripped off his clothes in the
market place. When he was drunk the
people were scared of him. He often
took off his clothes in the streets."

"Did you ever see him nude on the streets
while he was sober?"
"Yes, sir; I saw him in such a state when
he was sober."

babies. Joseph, Maria's brother, when he
was twelve years old, had an epileptic fit.
The symptoms of which were detailed with
great exactness. His head always troubled
him.

Antonio, Maria's sister, had had a similar
attack while washing clothes with Maria in
the San Damiano River.

Everything about the family's history
from Antonio's dropping baby John and
bumping his head, to Maria's own craziness,
was brought out of the mother to be
woven into the inevitable hypothetical ques-
tion as to Maria's sanity which her experts
will answer. "Yes," and the prosecution's
experts "No."

Carlos, another of Maria's brothers, now
in his twenty-first year, could not walk
when he was a child because of congenital
weakness, and he, like the others, had the
epileptic tendency. Many times during his
childhood he fell in these fits.

"How about Maria?"
"She was troubled in the same way as
the others. She had convulsions until she
was ten years old, and once she fell in a
fit and struck her head on a stone."

Maria Barberi was told to stand up and
show the jury the scar. She did it as a
pious act at a show would be prodded to his
feet to show his fine points.

"She always complained about dizziness
and turning of her brain," continued the
witness.

"Have you ever noticed her when she
was asleep?"
"Yes, sir. It was a troubled sleep; she
muttered in her sleep and uttered cries like
'gate-gate-gate,'" said the mother witness.

"Cat-out-cat," translated the interpreter.
The mother told how on their arrival in
this country Maria started to earn her living
by sewing on cuffs. Once she had a
trifling dispute with her sister Antonio,
and Maria became hysterical and tried to
jump out of the window. They dragged
her back and she tore her hair and beat
her breasts and screamed, and finally col-
lapsed. Afterward the mother asked her
why she had tried to kill herself, and
Maria remembered nothing about the par-
oxysm.

A similar incident occurred a few months
later when Maria's father prevented her
suicide.

"There was some excitement, some dis-
agreement before this, was there not?"
asked Mr. McIntyre, foreseeing his argu-
ment that Maria Barberi's only insanity
lay in an uncontrolled temper.

"Always," said the little dark mother.
"Even the fact that the mother had sore
eyes and suffered from dizziness and head-
ache was placed before the jury. Mrs.
Barberi said she was never free from
headache, which began at the forehead
and ran backward to the top of the head."

"When the weather is bad I suffer most;
sometimes I am unable to talk," said the
mother.

"How does this affect your sleep?" asked
Mr. House.

McIntyre objected; he thought the ex-
amination had gone beyond all bounds, and
the court seemed to agree with him, and
sustained the objection.

"Do you ever experience flashes of light,
Mrs. Barberi?"
McIntyre objected again. "We're trying
Maria Barberi, and not her mother," he
said, "and your objections were of no
avail, and the mother answered in the
affirmative. She also told the jury of pains
and contractions of the muscles of her
right leg."

"Have you ever had an impulse to take
your own life?"
"I have thought this question very hard
and his objection prevailed."

That was all for the afternoon, and court
adjourned until evening.

money, but Maria said: "No; I do not want
money. I want nothing but marriage to
my lover. We began Cataldo many
times, but he only said 'No,' and we had
to go."

An objection from Mr. McIntyre brought
out that the line of inquiry pursued was
to establish the reason for the mental stress
under which Maria labored for days prior
to the killing, which culminated in an at-
tack of epilepsy and murderous mania.

The defendant was white, stout, intelli-
gent. Mrs. Foster's eyes dropped wearily
and she looked down at the floor.

Cataldo's Recklessness.
"She is a monkey. She is ugly. She is a
common woman," thus the mother quoted
Cataldo's replies when she begged that he
marry her daughter. "Take money and go
back to your mother," he cried to Maria.

"No, you must marry me," Maria an-
swered. "She cannot come back only as a
married woman," the mother said, and
went home from the third interview, weep-
ing.

He returned to him yet again and he
drove her away. That was the morning
Domenico Cataldo died. Later she saw
him in the Thirteenth street saloon. She
had seen him enter and did not know that
Maria followed. Catherine Manguso and
two strange men were there.

"In the presence of these people," she said to Cataldo,
"and you think that my girl was not pure?"
"No," he said, "but I will not marry her."
"You must marry me," Maria answered.
"She cannot come back only as a
married woman," the mother said, and
went home from the third interview, weep-
ing.

Cataldo laughed. The mother's voice
grew shrill. The interpreter translated in
thunder tones. Mrs. Foster talked feverish-
ly to these people, she said to Cataldo,
and the women back of her wiped their
eyes feverishly.

"The mother said Maria had
said to her, 'perhaps Domenico will marry
me.'"

Then came the story of the killing.
"In the Thirteenth street saloon, near
the door of the saloon," cried Counsel
House, quickly.

But Mr. McIntyre interposed a cool ob-
jection to these people, she said to Cataldo,
and the women back of her wiped their
eyes feverishly.

"What else did you see?"
"I saw Maria had the pallor of death on
her face, and she was down upon the floor."

In the turmoil of the moment the mother
was swept away, and did not see her
daughter until the policeman had Maria in
charge. Then she saw that the girl had a
look of wild despair in her eyes.

Mrs. Foster seemed to be telling her
charge a story. The Tombs Angel's eyes
were lighted with curiosity, and on her
face, Maria's face was expressive of
as Mrs. Foster's smile broadened the girl
sighed.

"You speak to your daughter in the
police court?" Counsel House asked the
woman on the stand.

"Yes."
"Mother of mine, I cannot tell you how it
happened."

"One moment," interrupted the Judge.
"Mrs. Barberi, did you at any time hear
Cataldo say he would marry your daughter
or that he wished to marry her?"

"He always said he would not marry
her."

Then began the cross-examination. It
was beyond the dulled wit of the Italian
woman to resist in its devious windings
and sudden comparisons. Yet Mr. Mc-
Intyre got little advantage for all his in-
quiries. Mrs. Foster ceased to press
the stream of questions and answers.

It was 9:15 p. m. when the session closed.
"You must excuse me," the mother had
said several times, "I cannot remember
any more."

"Yes, yes," said Mr. McIntyre. "I feel
for her and so dropped the inquiry."
Then Mrs. Barberi kissed her daughter,
who went over the bridge to the Tombs.

Trinity Church is sinking into the sand.
Trinity threatens to fall into ruin. In
the years that have clothed it in grime and
tradition the forces of progress have bur-
rowed slowly into the earth round about
it, until today the grand old church tot-
ters in imminent peril.

Those same sky-scrapers have
added insult to injury by dwarfing Trinity
from a relative point of view, after its
security had been destroyed by the ex-
cavations for their foundations.

And it is a singular example of the irony
of fate that the Trinity Corporation should
have called in a firm of sky-scraper experts
to diagnose the malady of the ancient
building, and to save it from a premature
fate if they knew how. Still more signifi-
cant is it that in order to determine the
progress and direction of its settlement,
these men are testing it by the standard of
a neighboring sky-scraper of their own
construction, which happens to be built
upon solid rock.

The first symptoms of Trinity's danger
were made manifest some weeks ago, when
large patches of plaster began to fall from
the vaulted ceiling. On one of these occa-
sions a group of worshippers had a narrow
escape. The custodians of the church were
alarmed, they thought there must be a
leak in the roof, which would not be en-
ough ruin to soften the plaster. But
when workmen climbed up to examine the
green roof, they found it as sound as a
bell in every nook and corner.

Signs of Disintegration.
More plaster fell at intervals. Then, one
cold, blustering day, when the windows
were tightly closed, a piercing draught was
felt, and the worshippers turned up their
collars and shivered at the sexton. The
draught came from the south side of the
church, and it was not until the next morn-
ing that the sexton noticed a steeper
slope in the roof, which was not en-
ough to alarm him.

What he found there alarmed him so
greatly that he hid down to the floor
and hid under his hat and apron. When
he came up, he found the roof had fallen
down, down Fulton street, and into the
arms of the Trinity Corporation, at the
corner of the churchyard.

"Trinity's walls are cracking," he gasped,
and he found that the sexton's words were
true. The cracks were everywhere, and
the walls were falling in places. The
veteran architect of the building, also
hastened to the church from his office in
Greenwich village, and made a careful
examination of the cracked walls. He wore
a heartbroken look when he had finished
his work.

"No," he said to Dr. Dix, shaking his
head mournfully, "I can do nothing. The
building seems to be settling. Only an ex-
pert engineer can tell whether it will
be possible to save it."

It was because of this declaration that
the Trinity Corporation engaged Sooy-Smith
& Co., of No. 15 Broad street, to examine
the church, and see what could be
done for it. This firm was selected be-
cause of its great experience in building
operations at the southern end of Man-
hattan Island. Sooy-Smith & Co. have
Manhattan Life Building, and half a dozen
other skyscrapers whose cellars helped to
undermine the old church, and whose con-
struction helped to diversify the skyline of
the city. The contractors placed the work in
the hands of one of their engineering ex-
perts. The Trinity Corporation is now
awaiting his report with the greatest anxi-
ety. In the meantime the ceiling has been
repaired, and the cracks in the walls
stuffed up so that the parishioners may
sit in the pews in comfort, and avoid
being an attack of toothache or the dolorous
walls sag away.

A careful examination of the cracks in
the walls convinced the expert that the
church was indeed settling at the west, or
Church street end. They appeared at the
two windows nearest Church street, on the
south side of the building, and the cor-
responding windows on the north side.
In each case the stone wall had parted
from the window frame, as if torn away
by a sudden blow. The cracks were as
deep as a nail, and as wide as a finger.

It was not as deep as a well nor as wide
as a church door, as Mercutio observed
of his wound. "To complete the quo-
tation help to diversify the skyline of the
city," the expert believes. In a word,
the fissures were barely wide enough to
admit a lead pencil, but that was wide
enough to let in the modern air, and
Moreover, they extended clear through the
walls.

The fact that the building was settling
at the Church street end having been es-
tablished, it became important to learn
whether it was also settling at the Broad-
way end. In the latter event its condition
in the former. A building which set-
tles in a mass has a fighting chance of hold-
ing together under judicious treatment. A
building which settles only in one part will
break in two.

That is why the man with the sexton
and his assistants were taking observations
of the cracks in the walls, and holding
plumb-lines against the steeple yesterday
evening. Darkness fell over the church
and the gravestones before they had
collected enough data for their calcula-
tions. Sooy-Smith & Co. have learned from
Mr. Upham, the old architect, that the
tower rests upon a solid bed of concrete
about fifteen feet deep. That means that
the steeple has a better chance of stand-
ing than the rest of the building.

They did not get a modern building
was settling would be an easy matter, for
in these days careful records are kept

whereby such points could be determined
with a few comparative calcu-
lations. They had not learned the neces-
sary for such precautions in the old days,
however, and the annals of Trinity Parish
contain no records throwing light on the
original levels of the church walls.

Calculating the Subsidence.
Hence the novel plan adopted by Sooy-
Smith & Co. to keep track of the subsidence
of Trinity Church during the next month
or two, if it is permitted to stand that
long. The Manhattan Life building, a
side of Broadway, is sinking into the earth
at the rate of one inch in ten days. The
contractors know that because they
built it themselves. Therefore they re-
solved to adopt the Manhattan Life build-
ing as a standard by which to measure the
settling movement of the church.

In order to prepare for this work, the
walls of Trinity have been marked off at
various points, corresponding with similar
marks made on the skyscraper. The con-
tractors have in their office elaborate dia-
grams of the two buildings, showing the
marked points, and recording their relative
elevations. It is expected that the next
of Trinity will be to take careful observa-
tions. In that event Sooy-Smith & Co.'s
experts are prepared with their engineer's
levels to take careful observations of the
subsidence, its extent and its character.

The injury to the walls is not discernible
from the ground level, and even the assist-
ant rectors have noticed nothing of the
peril in which the church stands. The
officers of the corporation have taken
steps to keep the news from becoming
public. The work of repairing the
ceiling has been going on for days and
has served to shield from curious observa-
tion the engineers who have been engaged
upon the more important work intrusted
to the contractors. The interior of the church
is defended by an immense scaffold used
by the electricians and painters, and on
either side, may be seen the timber-
work used to support this scaffold, which is
rested on the suspension principle.

The passing of Trinity would be a his-
torical event. No one views the possibility
of such a catastrophe with indifference.
It has been the rectory of the parish since
his name is woven with that of Trinity
in the traditions of a lifetime, and he
loves the old church with an ardor which a
younger man, and a man of less academic
training, might fail to understand.

Very sorely is the good doctor grieved
by the mind over the happenings of the last
few days, and very anxiously does he await
the verdict of the experts who will pro-
nounce the fate of his church.

About the Ancient Edifice.
Only six months ago Dr. Dix presided
at the service commemorating the fiftieth
anniversary of Trinity's consecration—ser-
vices which excited wide interest in eccle-
siastical circles. Next year the church was
celebrating a celebration of the two-
hundredth anniversary of the founding of
Trinity Parish. Dr. Dix is only the ninth
rector in the history of the parish.

The church which occupied the site of
the building which now threatens to col-
lapse, was built in the year 1800. It was a
small, square building, with a steeple
gallery for the use of the Governor and
his family. The building was burned to
ground in 1874, and was not rebuilt until
for twelve years. In 1888 a new church
was erected, only to be pulled down in
the year 1894, and a new building was be-
gun. It was finished in 1890.

Owners of pews in Trinity Church, and of
vaults in the graveyard are patrons of gentle
kindness, and have not caviled, but have
the new brick of New York. It is nearly a
century since a pew was sold by the cor-
poration, and the privilege of burial in the
churchyard survives only in the custom of
five colonial families whose vested rights
no ordinance of the municipality could
alienate.

OPPOSE INSURANCE DEAL.
Injunction Asked to Prevent the Consolidation
of the Broadway and Hartford Companies.
An application for a permanent injunc-
tion restraining the Broadway Insurance
Company from handling their business and
office over to the Hartford Fire Insurance
Company was argued before Justice
Smith in the Supreme Court yesterday.

The plaintiffs are E. C. Jameson and Mr.
Freilighausen, two of the largest stock-
holders of the Broadway Company, who
are opposed to the transfer, which was
agreed upon by the Board of Directors on
November 11.

Justice R. C. Condit appeared for the
plaintiffs and argued that the action of the
directors of the Broadway Company was il-
legal, because it was without the sanction
of the stockholders. He said there was no
reason for winding up the affairs of the com-
pany, because it had always made money,
and last year had paid 10 per cent in di-
vidends. He said that the directors of the
Broadway Company, who arranged the transfer, opposed the
action of the stockholders.

"The receipts of the company last year,"
he said, "were \$232,457, and the disburse-
ments were \$228,457, and the balance was
\$4,000. The directors of the company have
year during the last ten that the income
was as much as the expenses."

The case was adjourned until to-day,
when it will be heard by the court in
behalf of the Hartford Company.

RUN OVER AT THE BRIDGE.
Man and Woman Knocked Down by a
Recklessly Driven Truck.
While crowds of pedestrians were cross-
ing the Brooklyn Bridge entrance on Park
Row shortly after 2 o'clock yesterday af-
ternoon a big four-horse team belonging to
the J. B. & J. M. Cornell Iron Works,
swung around into the passageway, scatter-
ing the frightened people in all direc-
tions.

Bridge Policeman O'Brien was powerless
to stop the team, which knocked down a
man and a woman, and named Edward Mahlig,
a painter, fifty-six years old, of No. 355
Waywick avenue, Brooklyn.

The woman escaped with a bruised knee,
and Mahlig was given her name. Mahlig
was not so fortunate, for a wheel
of the heavy truck passed over his heel,
which was badly crushed. He was taken
to the St. Vincent's Hospital.

Thomas McConnell was the driver of the
truck, which was heavily loaded with
structural iron. He was threatened by
the crowd, but the police prevented any
trouble.

MAGISTRATE SIMMS'S REFORM.
New Rules Aimed at Lawyers' "Steers" in
Jefferson Market Court.
Having lately heard that officers attached
to Jefferson Market Court were acting
as "steers" for certain lawyers, Magis-
trate Simms issued an order yesterday that
lawyers should not "draw up" business in
the court room during court sessions.

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built it themselves. Therefore they re-
solved to adopt the Manhattan Life build-
ing as a standard by which to measure the
settling movement of the church.

In order to prepare for this work, the
walls of Trinity have been marked off at
various points, corresponding with similar
marks made on the skyscraper. The con-
tractors have in their office elaborate dia-
grams of the two buildings, showing the
marked points, and recording their relative
elevations. It is expected that the next
of Trinity will be to take careful observa-
tions. In that event Sooy-Smith & Co.'s
experts are prepared with their engineer's
levels to take careful observations of the
subsidence, its extent and its character.

The injury to the walls is not discernible
from the ground level, and even the assist-
ant rectors have noticed nothing of the
peril in which the church stands. The
officers of the corporation have taken
steps to keep the news from becoming